

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

C.A. NUMBER: 05-11401-MLW

SENECA INSURANCE COMPANY  
As Subrogee of Surfside Condominium  
Association,

Plaintiff,

v.

BROAN-NUTONE LLC,

Defendant.

**DEFENDANT BROAN-NUTONE LLC'S  
MOTION FOR ENTRY OF JUDGMENT**

The defendant Broan-NuTone LLC (Broan) moves pursuant to Federal Rule of Civil Procedure 58(d) for entry of judgment for the defendant on all counts. In support of its motion, Broan states that on August 7, 2007, this Court (Bowler, M.) allowed Broan-NuTone, LLC's Motion for Summary Judgment on all counts. Pursuant to Rule 58(d), Broan respectfully requests that judgment be entered and set forth on a separate document.

Respectfully submitted,  
BROAN-NUTONE LLC,  
By its attorneys,

/s/ Christopher A. Duggan  
Christopher A. Duggan  
BBO No. 544150  
SMITH & DUGGAN LLP  
Lincoln North  
55 Old Bedford Road  
Lincoln, MA 01773-1125  
(617) 228-4400

**CERTIFICATE OF SERVICE**

The undersigned certifies service of the foregoing on October 9, 2007 in accordance with Federal Rule of Civil Procedure 5(b)(2) and United States District Court for the District of Massachusetts Electronic Case Filing Administrative Procedure § E(2) as to all parties, having appeared in this action through counsel admitted to practice before this Court, identified by the Clerk as receiving Notice of Electronic Filing.

Counsel for Defendant BROAN-NUTONE LLC,

/s/ Christopher A. Duggan  
Christopher A. Duggan  
BBO No. 544150  
SMITH & DUGGAN LLP  
Lincoln North  
55 Old Bedford Road  
Lincoln, MA 01773-1125  
(617) 228-4400

Dated: October 9, 2007